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EXAMINER

KIM, JUNG W

ART UNIT PAPER NUMBER

2132

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/088,337	Applicant(s) INOKUCHI ET AL.	
	Examiner Jung W. Kim	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-75 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-75 are pending.
2. Claims 1-75 are amended in the preliminary amendment filed on September 23, 2002.

Information Disclosure Statement

3. The items listed on the IDS filed on August 5, 2004 have been considered.
4. The references cited in the Search Report PCT have been considered, but will not be listed on any patent resulting from this application because they were not provided on a separate list in compliance with 37 CFR 1.98(a)(1). In order to have the references printed on such resulting patent, a separate listing, preferably on a PTO/SB/08A and 08B form, must be filed within the set period for reply to this Office action.

Claim Objections

5. Claims 6, 65 are objected to because of the following informalities: Claim 6, on line 6, replace "based the management data" with --based on the management data--; Claim 65, the claim is not grammatical. Appropriate correction is required.

Double Patenting

6. Claims 1, 3-5, 9, 10, 11, 13-25, 30-33, 37-39, 55, 63-65 and 73-75 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-58 of copending Application No. 10,088,336.

7. As per claims 1, 3-5, 9, 10, 11, 13-25, 30-33, 37-39, 55, 63-65 and 73-75, the limitations of these claims are found in claims 1-58 of copending application no. 10,088,336. In particular, the subject matter of claims 1, 3-5, 11, 13-15, 18-25, 37, 55, 65 and 73 are covered by the subject matter of claims 1-4, 8-12, 16-22 and 26-58 of copending application no. 10,088,336; and the subject matter of claims 9, 10, 16, 17, 30-33, 38, 39, 63, 64, 74 and 75 are covered by the subject matter of claims 5, 6, 13, 14, 23, 24 of copending application no. 10,088,336.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claim 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Amended claims 1-10 disclose the limitation of "recording the main data to and reproducing the main data from the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data" (claim 1). However, the phrasing of this claim suggests the capability of both recording and reproducing the main data *simultaneously* when the identification data are coincident. This is not enabled nor described in the specification. For the purpose of this examination, the limitation will be interpreted as two separate operations, each of which is enabled when coincidence occurs between the identification data of the recording medium user and the recorder and player user identification data.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

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Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

11. Claims 1, 2, 6-8, 11, 12 and 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Imamura et al. USPN 6,453,369 (hereinafter Imamura '369).

12. As per claim 1, Imamura '369 discloses a method of recording and reproducing data to a recording medium, comprising the steps of:

- a. comparing recording medium user identification data read from the recording medium upon which are recorded the user identification data along with main data with recorder and player user identification data read from a data recorder and player, for recordation and reproduction of the main data to and from the recording medium (fig. 5, reference no. S106 and related text); and
- b. recording the main data to and reproducing the main data from the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data (fig. 5, reference no. S108 and related text).

13. As per claim 2, Imamura '369 discloses that further recorded on the recording medium are management data to manage recordation to and reproduction from the recording medium; and the main data are recorded to and reproduced from the recording medium based on the management data read from the recording medium

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when the recording medium user identification data are not coincident with the recorder and player user identification data (col. 8:45-9:45, especially 9:10-24).

14. As per claim 6, Imamura '369 discloses that further recorded in the recording medium are management data to manage recordation to and reproduction from the recording medium; and the main data are reproduced from the recording medium based on the management data read from the recording medium when the recording medium user identification data are not coincident with the recorder and player user identification data (col. 8:45-9:45, especially 9:10-24).

15. As per claim 7, Imamura '369 discloses the method further comprising the step of permitting the data reproduction from the recording medium when the recording medium user identification data are not coincident with the recorder and player user identification data and the recording medium user identification data are specific identification data (col. 8:45-9:45, especially 9:10-24).

16. As per claim 8, Imamura '369 discloses the specific identification data indicate that the recording medium is an original one (fig. 15, reference no. S905).

17. As per claims 11 and 12, they are claims corresponding to claims 1 and 2, and they do not teach or define above the information claimed in claims 1 and 2. Therefore,

claims 1 and 2 are rejected as being anticipated by Imamura '369 for the same reasons set forth in the rejections of claims 1 and 2.

18. As per claims 33-36, they are method claims corresponding to claims 1, 2 and 6-8 and they do not teach or define above the information claimed in claims 1, 2 and 6-8. Therefore, claims 33-36 are rejected as being anticipated by Imamura '369 for the same reasons set forth in the rejections of claims 1, 2 and 6-8.

19. Claims 18-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Mott et al. USPN 6,170,060 (hereinafter Mott).

20. As per claim 18, Mott discloses a recording-medium recorder, comprising:

c. a head to scan a recording medium upon which are stored recording medium user identification data along with main data; a memory in which are recorded memory user identification data; and a controller to compare the recording medium user identification data with the memory user identification data and to control operations for playback of the recording medium based on a result of comparison (fig. 1 and fig. 2; col. 19:18-36).

21. As per claim 19, Mott further discloses when the recording medium user identification data are coincident with the memory user identification data the controller controls the head to record the main data to the recording medium (col. 19:18-30).

22. As per claim 20, Mott further discloses wherein the memory is provided in a user identification data server connected to a data recorder and player (col. 5:65-9:6; fig. 2), reference no. 250).

23. As per claim 21, Mott further discloses wherein the controller makes mutual authentication with the user identification data server when it is judged that the user identification data server is connected to the data recorder and player (col. 11:50-12:13).

24. As per claim 22, Mott further discloses wherein when the authentication is successful the controller instructs the user identification data server to read the memory user identification data (col. 12:8-11; 12:19-13:25).

25. As per claim 23, Mott further discloses wherein the memory user identification data are encrypted and sent from the user identification data server to the controller (col. 13:25-53; 14:24-49; 18:55-19:36).

26. As per claim 24, Mott further discloses wherein when the authentication is not successful the controller ceases recording to the recording medium (col. 12:4-6).

Claim Rejections - 35 USC § 103

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

29. Claims 3, 13 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imamura '369 in view of Boccon-Gibod et al. US Patent Application Publication No. 20010016836 (hereinafter Boccon-Gibod).

30. As per claim 3, the rejection of claim 1 under 35 USC 102(e) is incorporated herein. (supra) In addition, Imamura '369 discloses when the recording medium user identification data are coincident with the recorder and player user identification data the

main data is recorded in the recording medium (col. 6:12-15). Imamura '369 does not disclose encrypting the main data with the recorder and the player user identification data being taken as an encryption key. Boccon-Gibod discloses a method and apparatus for securely distributing multimedia information wherein user information is used to generate an encryption key for the encryption of the multimedia information (pg. 4, paragraph 0039, fig. 7). This method of encrypting the information ensures that only a requesting user having the user information at hand will be able to decrypt and therefore access the multimedia information. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to encrypt the main data with user identification data. One would be motivated to do so to ensure that only those with the proper credentials have unobstructed access to the data (Boccon-Gibod, pg. 4, paragraph 0039, 3rd sentence). The aforementioned cover the limitations of claim 3.

31. As per claim 13, it is a claim corresponding to claim 3, and it does not teach or define above the information claimed in claim 3. Therefore, claim 13 is rejected as being unpatentable over Imamura '369 in view of Boccon-Gibod for the same reasons set forth in the rejection of claim 3.

32. As per claim 37, the rejection of claim 3 and 33 under 35 USC 103(a) are incorporated herein. (supra) In addition, Boccon-Gibod discloses transmitting the encryption key securely to the client and decrypting the encrypted files using the encryption key at the client (pg. 4, paragraph 0039; fig. 7). It would be obvious to one of

ordinary skill in the art at the time the invention was made for the data to be encrypted with the user identification information and then decrypted to play back the data to ensure that only those who have subscribed to reproduce the data can reproduce the data (Boccon-Gibod, *ibid*). The aforementioned cover the limitations of claim 37.

33. Claims 4, 5, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imamura '369 in view of Boccon-Gibod, and further in view of Mott et al. USPN 6,170,060 (hereinafter Mott).

34. As per claims 4 and 5, the rejection of claim 3 under 35 USC 103(a) is incorporated herein. (*supra*) Neither Imamura '369 nor Boccon-Gibod disclose encrypting and burying the recorder and player identification data in the main data. Mott discloses a method and apparatus for securing digital information, wherein a player id and group id is embedded in a digital information file of the main data, such that access to the scrambled main data is only allowed if the player id and group id of the playback device is coincident with the player id and group id embedded in the digital information file. Further, a digital signature by means of a secure hash of the player id and group id is created to assure that these values are not manipulated (col. 18:37-19:35). It would be obvious to one of ordinary skill in the art at the time the invention was made to encrypt and bury the recorder and player identification data in the main data. One would be motivated to do so to facilitate a secure transaction of the multimedia data. The aforementioned cover the limitations of claims 4 and 5.

35. As per claims 14 and 15, they are claims corresponding to claims 4 and 5, and they do not teach or define above the information claimed in claims 4 and 5. Therefore, claims 14 and 15 are rejected as being unpatentable over Imamura '369 in view of Boccon-Gibod and Mott for the same reasons set forth in the rejections of claims 4 and 5.

36. Claims 9, 10, 16, 17, 38 and 39 are rejected under 35 USC 103(a) as being unpatentable over Imamura '369 in view of Yamakawa et al. USPN 6,738,877 (hereinafter Yamakawa '877).

37. As per claims 9 and 10, the rejection of claim 1 under 35 USC 102(e) is incorporated herein. (supra) Imamura '369 does not disclose the recorder and player user identification data includes a user name or that a user sets the identification data. Yamakawa '877 discloses including a user name in a recorder and player user identification and allowing the user to set the password to access the contents of a portable storage medium (figs. 4-12). User set identification enables security to stored data via user identification that the user will remember. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the recorder and player user identification data to include a user name and to allow the user to set the identification data. One would be motivated to do so to enable security using a simple

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management of a password (Yamakawa '877, col. 1:55-62). The aforementioned cover the limitations of claims 9 and 10.

38. As per claims 16 and 17, they are claims corresponding to claims 9 and 10, and they do not teach or define above the information claimed in claims 9 and 10.

Therefore, claims 16 and 17 are rejected as being unpatentable over Imamura '369 in view of Yamakawa '877 for the same reasons set forth in the rejections of claims 9 and 10.

39. As per claims 38 and 39, they are claims corresponding to claims 9, 10 and 33, and they do not teach or define above the information claimed in claims 9, 10 and 33.

Therefore, claims 38 and 39 are rejected as being unpatentable over Imamura '369 in view of Yamakawa '877 for the same reasons set forth in the rejections of claims 9, 10 and 33.

40. Claim 25 is rejected under 35 USC 103(a) as being unpatentable over Mott.

41. As per claim 25, the rejection of claim 21 under 35 USC 102(e) is incorporated herein. (supra) Furthermore, the step of prompting the user to connect user identification server to the data recorder and player when it is judged that the user identification data server is not connected to the data recorder and player is an obvious enhancement. Examiner takes Official Notice of this teaching. One would be motivated

to do so since it identifies the problem to the user to facilitate corrective action to be taken for proper operation. The aforementioned cover the limitations of claim 25.

42. Claims 26, 40, 41 and 44-49 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369.

43. As per claim 26, the rejection of claim 19 under 35 USC 102(e) is incorporated herein. (supra) Mott does not disclose further including management data to manage recording to the recording medium, and wherein the controller records the main data to the recording medium based on the management data read from the recording medium when the recording medium user identification data are not coincident with the memory user identification data. However, the use of auxiliary checks to determine use conditions when the primary check condition is not valid is a common operation in the art. These additional checks enable flexibility in the manner information is accessed. For example, Imamura '369 discloses a method and system for access protection in a data storage device, wherein access to the data storage is enabled when the device identifier is the same as the device identifier on the medium, and when the device identifier is not coincident, a secondary check is made to determine if a security logical block address is designated (fig. 11). This allows portions of the memory to be designated as secure areas and other areas to remain unsecured (col. 8:45-60). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the apparatus to further record on the recording medium management

data to manage recording to the recording medium; and the controller records the main data to the recording medium based on the management data read from the recording medium when the recording medium user identification data are not coincident with the memory user identification data. One would be motivated to do so for greater flexibility in securing data (Imamura '369, col. 8:45-60). The aforementioned cover the limitations of claim 26.

44. As per claim 40, Mott discloses a recording-medium player, comprising:
- d. a head to scan a recording medium upon which are recorded encrypted data as well as at least recording medium user identification data; a memory in which are stored memory user identification data; and a controller to compare the recording medium user identification data with the memory user identification data and to control operations for playback of the recording medium based on a result of comparison (fig. 1 and fig. 2; col. 19:18-36).
45. Mott does not disclose the recording medium including reproduction management data. However, the use of additional information to restrict reproduction of the data is a common feature in the art. This type of information enables flexibility in the way information is accessed and used. For example, Imamura '369 discloses a method and system for access protection in a data storage device, wherein access to the data storage is enabled when the device identifier is the same as the device identifier on the medium, and also, a secondary check is made to determine if a security logical block address is designated (fig. 11). This secondary check allows portions of the memory to

be designated as secure areas and other areas to be unsecured (col. 8:45-60).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include reproduction management data in the recording medium. One would be motivated to do so for greater flexibility in securing data (Imamura '369, col. 8:45-60). The aforementioned cover the limitations of claim 40.

46. As per claim 41, the rejection of claim 40 under 35 USC 103(a) is incorporated herein. (supra) In addition, Mott further discloses wherein when the recording medium user identification data are coincident with the memory user identification data the controller allows the reproduction of the main data from the recording medium (col. 19:26-30).

47. As per claim 44, the rejection of claim 40 under 35 USC 103(a) is incorporated herein. (supra) In addition, Mott further discloses wherein the memory is provided in a user identification data server connected to a data recorder and player (col. 5:65-9:6; fig. 2, reference no. 250).

48. As per claim 45, the rejection of claim 40 under 35 USC 103(a) is incorporated herein. (supra) In addition, Mott further discloses wherein the controller makes mutual authentication with the user identification data server when it is judged that the user identification data server is connected to the data recorder and player (col. 11:50-12:13).

49. As per claim 46, the rejection of claim 45 under 35 USC 103(a) is incorporated herein. (supra) In addition, Mott further discloses wherein when the authentication is successful the controller instructs the user identification data server to read the memory user identification data (col. 12:8-11; 12:19-13:25).

50. As per claim 47, the rejection of claim 46 under 35 USC 103(a) is incorporated herein. (supra) In addition, Mott further discloses wherein the memory user identification data are encrypted and sent from the user identification data server (col. 13:25-53; 14:24-49; 18:55-19:36).

51. As per claim 48, the rejection of claim 45 under 35 USC 103(a) is incorporated herein. (supra) In addition, Mott further discloses wherein when the authentication is not successful the controller ceases recording to the recording medium (col. 12:4-6).

52. As per claim 49, the rejection of claim 45 under 35 USC 103(a) is incorporated herein. (supra) Furthermore, the step of prompting the user to connect user identification server to the data recorder and player when it is judged that the user identification data server is not connected to the data recorder and player is an obvious enhancement. Examiner takes Official Notice of this teaching. One would be motivated to do so since it identifies the problem to the user to facilitate corrective action to be taken for proper operation.

53. Claim 27-29, 42, 43, 50, 51, 55-59, 65-69 and 73 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369, and further in view of Boccon-Gibod.

54. As per claims 27-29, the rejection of claim 26 under 35 USC 103(a) is incorporated herein. (supra) Mott further discloses when the recording medium user identification data are coincident with the memory user identification data, a header specifying descrambling information specific to the data recorder and player is established and the encrypted main data with the header is transferred to the data recorder and player (col. 13:25-53); wherein the memory user identification data are encrypted and buried in the header (18:55-19:36). However, neither Mott nor Imamura '369 disclose that the data is encrypted with the user identification information. Boccon-Gibod discloses a method and system for securing stored music and video files by encrypting the files using an encryption key based on user information associated with the user licensing the file, transmitting the encryption key securely to the client and decrypting the encrypted files using the encryption key at the client (pg. 4, paragraph 0039; fig. 7). This arrangement ensures that only the particular user having a license to the file is allowed to decrypt the particular music/video file. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the data to be encrypted with the user identification information and then decrypted to play back the data to ensure that only those who have subscribed to reproduce the data can

reproduce the data (Boccon-Gibod, *ibid*). The aforementioned cover the limitations of claims 27-29.

55. As per claim 42, the rejection of claim 41 under 35 USC 103(a) is incorporated herein. (*supra*) Mott does not disclose encrypted data are recorded on the recording medium; and the main data read from the recording medium are decrypted using the recording medium user identification data as an encryption key when the recording medium user identification data are coincident with the recorder and player user identification data. Boccon-Gibod discloses a method and apparatus for securely distributing multimedia information wherein user information is used to generate an encryption key, the encryption key is used to encrypt the multimedia information, and wherein the encryption key is used to decrypt the encrypted multimedia information (pg. 4, paragraph 0039, fig. 7). This method of encrypting the information ensures that only a requesting user having the user information at hand will be able to decrypt and therefore access the multimedia information. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for encrypted data to be recorded on the recording medium; and the main data read from the recording medium are decrypted using the recording medium user identification data as an encryption key when the recording medium user identification data are coincident with the recorder and player user identification data. One would be motivated to do so to ensure that only those with the proper credentials have unobstructed access to the data (Boccon-Gibod,

pg. 4, paragraph 0039, 3rd sentence). The aforementioned cover the limitations of claim 42.

56. As per claim 43, the rejection of claim 42 under 35 USC 103(a) is incorporated herein. (supra) Mott does not disclose when the recording medium user identification data cannot be detected the controller controls the operations for playback of the recording medium based on the reproduction management data read from the recording medium. However, the use of auxiliary checks to determine use conditions when the primary check condition is not valid is a common operation in the art. This additional check enables flexibility in the manner information is accessed. For example, Imamura '369 discloses a method and system for access protection in a data storage device, wherein access to the data storage is enabled when the device identifier is the same as the device identifier on the medium, and when the device identifier is not coincident, a secondary check is made to determine if a security logical block address is designated (fig. 11). This allows portions of the memory to be designated as secure areas and others to be designed as unsecure areas (col. 8:45-60). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include the step of when the recording medium user identification data cannot be detected the controller controls the operations for playback of the recording medium based on the reproduction management data read from the recording medium. One would be motivated to do so for greater flexibility in securing data (Imamura '369, col. 8:45-60).

57. As per claim 50, the rejections of claims 42 and 43 under 35 USC 103(a) are incorporated herein. (supra) In addition, Imamura '369 further discloses that when the recording medium user identification data are not coincident with the user identification data memory and the recording medium user identification data are a specific identification data the controller allows the reproduction of data from the recording medium (fig. 11, steps S506-S510).

58. As per claim 51, the rejections of claim 50 under 35 USC 103(a) is incorporated herein. (supra) In addition, wherein the specific identification data indicate the recording medium is an original one (Mott, 14:24-54, Digital Signature Protocol).

59. As per claims 55-59, they are claims corresponding to claims 26-29, and they do not teach or define above the information claimed in claims 26-29. Therefore, claims 55-59 are rejected as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod for the same reasons set forth in the rejections of claims 26-29.

60. As per claims 65 and 66, they are claims corresponding to claims 55-59, and they do not teach or define above the information claimed in claims 55-59. Therefore, claims 65 and 66 are rejected as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod for the same reasons set forth in the rejections of claims 55-59.

61. As per claims 67-69 and 73, the rejections of claim 66 under 35 USC 103(a) is incorporated herein. (supra) In addition, when the main data user identification data cannot be detected from the main data the operation of reproducing the main data is controlled based on the management data (see rejection of claim 66: the absence of user identification data implies the user identification data of the recorder and player is not coincident); when the main data user identification data are not coincident with the recorder and player user identification data and the main data user identification data are specific identification data the reproduction of the main data is allowed (Imamura '369, fig. 11, steps S506-S510); when the specific identification data indicate that the recording medium is an original one (Mott, 14:24-54, Digital Signature Protocol); and the main data include encrypted data and the main data user identification data are decrypted using the main data user identification data when the main data user identification data are coincident with the recorder and player user identification data (Boccon-Gibod, pg. 4, paragraph 0039, fig. 7).

62. Claims 30-32 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Yamakawa '877.

63. As per claims 30-32, the rejection of claim 18 under 35 USC 102(e) is incorporated herein. (supra) Mott does not disclose the recorder and player user identification data includes a user name or that a user sets the identification data. Yamakawa '877 discloses including a user name in a recorder and player user

identification and allowing the user to set the password to access the contents of a portable storage medium (figs. 4-12). User set identification enables security to stored data via user identification that the user will remember. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the recorder and player user identification data to include a user name and to allow the user to set the identification data. One would be motivated to do so to enable security using a simple management of a password (Yamakawa '877, col. 1:55-62). The aforementioned cover the limitations of claims 30-32.

64. Claims 52-54, 63, 64, 74 and 75 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod, and further in view of Yamakawa '877.

65. As per claims 52-54, the rejection of claim 50 under 35 USC 103(a) is incorporated herein. (supra) Imamura '369 does not disclose the recorder and player user identification data includes a user name or that a user sets the identification data. Yamakawa '877 discloses including a user name in a recorder and player user identification and allowing the user to set the password to access the contents of a portable storage medium (figs. 4-12). User set identification enables security to stored data via user identification that the user will remember. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the recorder and player user identification data to include a user name and to allow the user to set the

identification data. One would be motivated to do so to enable security using a simple management of a password (Yamakawa '877, col. 1:55-62). The aforementioned cover the limitations of claims 52-54.

66. As per claims 63 and 64, they are claims corresponding to claims 52-55, and they do not teach or define above the information claimed in claims 52-55. Therefore, claims 63 and 64 are rejected as being unpatentable over Mott in view of Imamura '369, Boccon-Gibod and Yamakawa '877 for the same reasons set forth in the rejections of claims 52-55.

67. As per claims 74 and 75, they are claims corresponding to claims 63-65, and they do not teach or define above the information claimed in claims 63-65. Therefore, claims 74 and 75 are rejected as being unpatentable over Mott in view of Imamura '369, Boccon-Gibod and Yamakawa '877 for the same reasons set forth in the rejections of claims 63-65.

68. Claims 60-62 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod, and further in view of Hioki et al. USPN 6,681,105 (hereinafter Hioki).

69. As per claims 60-62, the rejections of claim 56 under 35 USC 103(a) are incorporated herein. (supra) Mott does not disclose when the management data

indicates that billing is required for copying the main data, it is judged whether the billing is possible and the copying is performed when a result of judgment indicates that the billing is possible, wherein the billing is such that a number of times that main data can be copied is decremented, wherein when it is judged that the billing is not possible and the number of times main data can be copied is not incremented, the copying operation is ceased. Hioki discloses a digital recording system wherein determination of whether or not main data is to be billed is based on program information received; if pay is required then the billing requirement is displayed to the user (col. 9:60-10:10). This system is set up so that pay is required for each recording, wherein when the user pays for the recording, the recording is recorded based on the number of copy counts, and if the user refuses to pay for the recording, the recording is not recorded (10:16-29).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the method to further include the steps of when the management data indicates that billing is required for copying the main data, it is judged whether the billing is possible and the copying is performed when a result of judgment indicates that the billing is possible, wherein the billing is such that a number of times that main data can be copied is decremented, wherein when it is judged that the billing is not possible and the number of times main data can be copied is not incremented, the copying operation is ceased. One would be motivated to do so to restrict access to a recording based on a fee settlement (Hioki, *ibid*). The aforementioned cover the limitations of claims 60-62.

70. As per claims 70-72, they are claims corresponding to claims 60-62 and 66, and they do not teach or define above the information claimed in claims 60-62 and 66.

Therefore, claims 70-72 are rejected as being unpatentable over Mott in view of Imamura '369, Boccon-Gibod and Hioki for the same reasons set forth in the rejections of claims 60-62 and 66.

Conclusion

71. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

72. Yamakawa et al. US Patent Application Publication No. 20020004884 discloses a method and system for securing information on a data storage device, wherein access to the storage device is contingent on the equality of a first identifier recorded on a memory medium and a second identifier recorded in the data storage device and management information.

Communications Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2132

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December 6, 2005

Jung W Kim
Examiner
Art Unit 2132



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